

AMENDED IN ASSEMBLY APRIL 9, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2238

Introduced by Assembly Member Dickerson

February 20, 2002

An act to amend Section 6254.21 of, and to add Sections 6254.23 and 6254.24 to, the Government Code, and to amend Section 146e of the Penal Code, relating to public officials.

LEGISLATIVE COUNSEL'S DIGEST

AB 2238, as amended, Dickerson. Public Safety Officials Home Protection Act.

Existing law prohibits any state or local agency from posting the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.

This bill would prohibit any person from knowingly posting the above information of any elected or appointed official, *as defined*, or the official's spouse or child, on the Internet knowing that person is an elected or appointed official and intending or threatening imminent physical harm to that individual. The bill would include public safety officials, *as defined*, within the list of covered officials. This bill would make a violation of these provisions a misdemeanor, and would make the violation a felony if it leads to the bodily injury of the official or his or her spouse or child.

This bill would also permit a public safety official, as defined, to use his or her business address or telephone number in lieu of a home address for specified public records, and would prohibit ~~specified~~

~~people and entities~~ every person, business, and association from possessing or disclosing the home address and telephone number of any public safety officials, ~~or possessing that information~~ official without the official's consent. A willful violation of these provisions ~~by specified people~~ would be a misdemeanor, or a felony if the willful violation resulted in bodily injury to the official, *or* his or her spouse or child. *The bill would define public safety officials to include elected or appointed officials.* Because this bill would create a new crime, it would impose a state-mandated local program.

Under existing law every person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any peace officer, nonsworn police dispatcher, or employee of a city police department or county sheriff's office, or that of the spouse or children of these persons, whether living with them or not, while designating the peace officer ~~or~~, nonsworn police dispatcher, or relative of these persons as such, without the authorization of the employing agency, is guilty of a misdemeanor.

This bill would include with the intent or threat to inflict imminent physical harm in retaliation for the due administration of the laws in the above prohibition, and would include public safety officials, as defined, among the list of those who may not have their information published. Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Public Safety Officials Home Protection Act.
- 3 SEC. 2. Section 6254.21 of the Government Code is amended
- 4 to read:

6254.21. (a) No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's spouse or child on the Internet knowing that person is an elected or appointed official and intending or threatening imminent physical harm to that individual. A violation of this section is a misdemeanor. A violation of this section that leads to the bodily injury of the official, or his or her spouse or child, is a felony.

(b) For purposes of this section "elected or appointed official" includes, but is not limited to, all of the following:

- (1) State constitutional officers.
- (2) Members of the Legislature.
- (3) Judges and court commissioners.
- (4) District attorneys.
- (5) Public defenders.
- (6) Members of a city council.
- (7) Members of a board of supervisors.
- (8) Appointees of the Governor.
- (9) Appointees of the Legislature.
- (10) Mayors.
- (11) City attorneys.
- (12) Police chiefs and sheriffs.
- (13) A public safety official as defined in Section 6254.24.

SEC. 3. Section 6254.23 is added to the Government Code, to read:

6254.23. (a) Nothing in this chapter or any other provision of law shall require a public safety official, or his or her spouse or child, to disclose his or her home address or telephone number on any public record maintained by any state, county, or city agency in this state.

~~(b) A public safety official, or his or her spouse or child, may substitute his or her business address or telephone number in lieu of a home address or telephone number for any of the following:~~

~~(1) Any public record maintained by any state, county, or city agency in this state.~~

~~(2) Upon demand and under penalty of perjury, any public record maintained by any public agency in the state.~~

(b) Upon written demand of a public safety official, signed under penalty of perjury, every state, county or city agency shall remove from its public records or data base the home address and

1 *telephone information of the public safety official, or his or her*
2 *spouse or child, and shall insert in its place a business address or*
3 *telephone number of the public safety official, or his or her spouse*
4 *or child.*

5 (c) No public agency shall disclose the confidential home
6 address and telephone number of a public safety official to any
7 person without the written consent of the official, except to a court,
8 a law enforcement agency, the State Board of Equalization, or any
9 governmental agency to which, under any provision of law,
10 information is required to be furnished from records maintained
11 by that agency. The disclosed information shall be limited solely
12 for the required purpose.

13 ~~(d) Every person, business, and association in the state shall~~
14 ~~remove from their records or data base the home address and~~
15 ~~telephone information of a public safety official, or his or her~~
16 ~~spouse or child, unless they have the consent of the public official~~
17 ~~to have that information, and may insert in its place a business~~
18 ~~address or telephone number of that public safety official, or his~~
19 ~~or her spouse or child, upon demand and under penalty of perjury.~~

20 (d) *Upon written demand of a public safety official, signed*
21 *under penalty of perjury, every person, business, and association*
22 *in the state shall remove from its records or data base the home*
23 *address and telephone information of the public safety official, or*
24 *his or her spouse or child, unless it has the consent of the public*
25 *official to have that information, and shall insert in its place a*
26 *business address or telephone number of the public safety official,*
27 *or his or her spouse or child.*

28 (e) A willful violation of subdivision (d) is a misdemeanor. A
29 willful violation of subdivision (d) that leads to the bodily injury
30 of that public safety official, or his or her spouse or child, is a
31 felony.

32 (f) In addition to any other remedies provided by law, a
33 violation of this section is a tort and may result in any damages and
34 injunctive relief.

35 (g) For purposes of this section, “public safety official” is
36 defined in Section 6254.24.

37 SEC. 4. Section 6254.24 is added to the Government Code, to
38 read:

39 6254.24. As used in this chapter, “public safety official”
40 means the following:

1 (a) An active or retired peace officer as defined in Sections 830
2 and 830.1 of the Penal Code.

3 (b) An active or retired public officer or other person listed in
4 Sections 1808.2, 1808.4, and 1808.6 of the Vehicle Code.

5 (c) *An “elected or appointed official” as defined in subdivision*
6 *(b) of Section 6254.21.*

7 SEC. 5. Section 146e of the Penal Code is amended to read:

8 146e. (a) Every person who maliciously, and with the intent
9 to obstruct justice or the due administration of the laws, or with the
10 intent or threat to inflict imminent physical harm in retaliation for
11 the due administration of the laws, publishes, disseminates, or
12 otherwise discloses the residence address or telephone number of
13 any peace officer, nonsworn police dispatcher, ~~or employee of a~~
14 ~~city police department or county sheriff’s office, or a public safety~~
15 ~~official, or that of the spouse or children of these persons, whether~~
16 ~~living with them or not, while designating the peace officer or~~
17 ~~nonsworn police dispatcher, employee of a city police department~~
18 ~~or county sheriff’s office~~ *employee of a city police department or*
19 *county sheriff’s office, or public safety official, or that of the*
20 *spouse or children of these persons, whether living with them or*
21 *not, while designating the peace officer, nonsworn police*
22 *dispatcher, employee of a city police department or county sheriff’s*
23 *office, or public safety official, or relative of these persons as such,*
24 *without the authorization of the employing agency, is guilty of a*
25 *misdemeanor.*

26 (b) A violation of subdivision (a) with regard to any peace
27 officer, employee of a city police department or county sheriff’s
28 ~~office, public safety official, or the spouse or children of these~~
29 ~~persons that results in bodily injury to the peace officer, employee~~
30 ~~of the city police department or county sheriff’s office, or public~~
31 ~~safety official, or the spouse or children of these persons is a~~
32 ~~felony.~~ *office, or public safety official, or the spouse or children of*
33 *these persons, that results in bodily injury to the peace officer,*
34 *employee of the city police department or county sheriff’s office,*
35 *or public safety official, or the spouse or children of these persons,*
36 *is a felony.*

37 (c) For purposes of this section, “public safety official” is
38 defined in Section 6254.24 of the Government Code.

39 SEC. 6. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

